

Application/Control Number: 10/691,589
Art Unit: 3736
August 4, 2006
Page 6

Remarks.

The Examiner's comments and objections and the newly cited references have been carefully considered by the Applicant.

Reconsideration of the application as hereby amended is respectfully solicited.

In relation with the Claim rejections under 35 USC § 112, 102 and 103, amended and new claims are hereby submitted for approval.

As regards the feature "cavity formed externally to the stopper...", having support in the original specification at page 3, lines 10-11 and Figure 3, amending language: "*that is formed on and opens externally to the stopper, said cavity having a spherical dome shape with a concavity that faces away from the the end of the test tube and a bottom which is provided*" has been introduced in the claims that is believed to define the claimed feature, as originally disclosed and such as to be clearly and unambiguously understood by the one skilled in the art.

In relation with the cited prior documents it is submitted that:

-the dome element 23 of Rilliet has the concavity facing a direction that is different from that claimed in the newly submitted claims; and

- the X-shaped slit 16 of Gunne et al is a normally narrow-closed structure that is forcedly opened by insertion of the needle on which it has the function to sealingly engage (column 3, lines 60-64); no guiding feature thereof is either disclosed or suggested

Application/Control Number: 10/691,589
Art Unit: 3736
August 4, 2006
Page 7

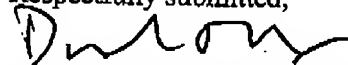
by Gunne et al.

It is therefore believed that cited prior documents do not teach or suggest the combination of features recited in the newly submitted claims.

Favorable action is respectfully solicited.

While it is believed that the amended claims properly and clearly define the present invention, applicant would be open to any suggestion or amendment the Examiner may have or propose concerning different claim phraseology which, in the Examiner's opinion, more accurately defines the present invention.

Respectfully submitted,



Daniel O'Byrne (Reg. No. 36,625)

Agent for the Applicant

Date: August 4, 2006
Address: Via Meravigli 16, 20123 MILAN-ITALY
Telephone: (from USA) (011)(39)(02)8590-7777
Telefax: (from USA)(011)(39)(02)863-860